

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DONOVAN SIMPSON,

Petitioner,

v.

WANZA JACKSON,

Respondent.

CASE NO. 2:06-CV-00127

JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE ABEL


OPINION AND ORDER

On March 11, 2015, the Court conditionally granted the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, vacating Petitioner's convictions on aggravated murder, murder and attempted murder subject to the State of Ohio commencing a re-trial within ninety days. The Court denied the petition for a writ of habeas corpus as it applies to Petitioner's convictions on aggravated arson and five counts of felonious assault, and Petitioner currently is serving the remainder of his sentences on those charges. ECF 93. This matter is before the Court on Respondent's *Motion to Stay Final Judgment Pending Appeal*, ECF 96, and Petitioner's *Response and Partial Opposition to Motion to Stay*. ECF 98.

Petitioner does not object to a stay through the conclusion of appellate proceedings in the United States Court of Appeals for the Sixth Circuit. The Court therefore will grant such request. Petitioner opposes a continued stay pending the outcome of a petition for review in the United States Supreme Court, as his sentence is due to expire in 2017, and a continued stay likely will require his incarceration beyond his anticipated release date. This issue, however, may be addressed at the conclusion of proceedings in the United States Court of Appeals for the Sixth Circuit.

The Court therefore **GRANTS** Respondent's motion for a stay, ECF 96, pending a decision on the appeal from the United States Court of Appeals for the Sixth Circuit. Any further request for a stay may be addressed at that time.

IT IS SO ORDERED.

 3-31-2015

EDMUND A. SARGUS, JR.
United States District Judge